

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Cr. No. 05-1849 JH
	)	
DANA JARVIS, et al.,	)	
	)	
Defendants.	)	

**UNITED STATES' MOTION FOR STATUS CONFERENCE  
FOR THE PURPOSE OF DESIGNATING THIS A COMPLEX CASE**

COMES NOW the United States of America, by and through David C. Iglesias, United States Attorney for the District of New Mexico, and James R.W. Braun, Assistant United States Attorney for said District, and moves the Court to withdraw the standing discovery order entered as to certain defendants in this case and hold a status conference for the purposes of designating this a complex case pursuant to 18 U.S.C. § 3161(h)(8)(B)(ii), and in support of its motion states:

1. On August 23, 2005, a federal grand jury in Albuquerque returned a twenty-six count indictment in this case, charging all of the defendants in Count 1 with conspiracy to distribute marijuana, in violation of 21 U.S.C. § 846. Defendant Dana Jarvis is charged in Count 2 with engaging in a Continuing Criminal Enterprise, in violation of 21 U.S.C. § 848. Various defendants are also charged with a money laundering conspiracy and substantive counts of money laundering, in violation of 18 U.S.C. § 1956.

2. Defendants Dana Jarvis, Ralph Greene, George Ripley, Greg Hill, Cathy Fitzgerald, Barbara Hanna, Russell Trujillo, Manuel Gil, Sam Jones, Mary Cannant, and Pat Berssenbrugge

have been arraigned on the indictment. The standing discovery order has been entered, and a motions deadline imposed, as to those defendants.<sup>1</sup> As described below, the size and complexity of this case renders the standing discovery order and current motions deadline unfeasible.

3. The indictment in this case is based in part on the electronic interception of seven cellular telephones and one residential telephone. During the nearly six months of interception, agents recorded several thousand conversations. Copies of the compact discs containing those conversations, the monitoring logs, transcripts completed to date, and agents' reports of investigation are being prepared for release to the defendants. Moreover, agents executed numerous search warrants in this case on August 25, 2005. Much of the evidence seized during the execution of those warrants is still being processed, and the corresponding agents' reports must be prepared for release to the defendants.

4. The defense counsel in this case presumably will need a considerable period of time to digest the discovery, advise their clients, conduct plea negotiations, file pretrial motions, and/or prepare for trial.

5. Defendants Dana Jarvis, Barbara Hanna, Greg Hill, Ralph Greene, Sam Jones, Mary Cannant, and Pat Berssenbrugge, through their respective counsel, concur with the granting of this motion. Undersigned counsel was unable to obtain the position of counsel for the remaining arraigned defendants.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Court withdraw the standing discovery order entered as to certain defendants in this case and conduct

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<sup>1</sup>Defendants Ayla Jarvis, Jorge Luis Ortiz-Moffett, Mike Hannah, David Reid, Geno Berthod, and Salvador Abeyta were arrested in other districts and have yet to be arraigned in the District of New Mexico.

a status conference for the purpose of declaring this case complex and setting an appropriate schedule for discovery, motions, and trial.

Respectfully submitted,

DAVID C. IGLESIAS  
United States Attorney

*ELECTRONICALLY FILED*

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I HEREBY CERTIFY that a true  
copy of the foregoing pleading was  
faxed to all counsel of record  
this 1<sup>ST</sup> day of September 2005.

*ELECTRONICALLY FILED*

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JAMES R.W. BRAUN  
Assistant U.S. Attorney